

**George S. Pitcher, OSB #963982**  
gpitcher@williamskastner.com  
WILLIAMS, KASTNER & GIBBS PLLC  
888 SW Fifth Avenue, Suite 600  
Portland, OR 97204-2025  
Phone: (503) 228-7967  
Fax: (503) 222-7261

Attorneys for GreenPoint Mortgage Funding,  
Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**UNITED STATES OF AMERICA,**

**Case No. 3:11-CR-00076-BR1**

Plaintiff,

STIPULATED PROTECTIVE ORDER RE  
SUBPOENA ISSUED TO GREENPOINT  
MORTGAGE FUNDING, INC.

v.

**DAVID JOHN OVIST,**

Defendant.

The parties to this order stipulate to the following:

Defendant has sought from non-party GreenPoint Mortgage Funding, Inc. (“GreenPoint”) its files and numerous documents and may pursue other discovery and trial testimony regarding loans made by GreenPoint and regarding GreenPoint’s policies and

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procedures regarding certain business practices (“Protected Materials”). All such information produced shall be strictly subject to the terms of this Order.

1.

Any and all Protected Materials produced pursuant to Defendant’s subpoena duces tecum directed to GreenPoint in this matter shall not be revealed or provided to any person except in accordance with the protective order already in place relative to discovery produced by the government to the defense, and then only as necessary for defense counsel’s responsibilities to defendant in this case.

2.

GreenPoint may redact from the Protected Materials personal information as required by Fed.R.Crim.Pro. 49.1.

3.

To the extent that any Protected Materials are produced without redactions, recipients of the Protected Materials will, in accordance with Fed.R.Crim.Pro. 49.1, redact all personal information of the borrowers of a sensitive nature, including but not limited to, Social Security Numbers and other financial account information before offering the Protected Materials into evidence in this case or otherwise disclosing or distributing them in any way.

4.

At the conclusion of this case, all Protected Materials, and any copies or reproductions thereof, including those that have been distributed to experts and defense team members, shall be gathered by defense counsel and not distributed further unless needed to address any post-conviction actions.

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5.

Counsel for the defendant receiving such Protected Materials shall cause a true copy of the stipulated protective order to be served upon or provided to his client.

6.

Except with the prior written consent of GreenPoint or pursuant to court order, any Protected Materials under this Order, and any information contained solely in, or derived from, such Protected Materials shall not be disclosed other than in accordance with this Order and may not be disclosed to any person other than the Court and:

- A. Parties to this case, and their employees or agents;
- B. Counsel for the respective parties to this case and clerks, paralegals, secretaries or other employees of counsel;
- C. Witnesses expected to be deposed or to testify in court or by affidavit in this case;
- D. Experts specially retained as consultants or expert witnesses in connection with this case; and
- E. Any stenographer, court reporter or videographer present in his or her official capacity at any hearing, deposition or other proceeding in this case.

7.

Documents produced pursuant to this Order shall not be made available to any person designated in subparagraphs 6(C) or 6(D) above unless he or she shall have first read this Order and agreed to be bound by its terms, and signed the attached Declaration of Compliance.

Counsel for the Defendant shall maintain the original signed agreements and an accurate list of

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all such persons. The list need not be revealed to other parties during the pendency of this litigation unless other parties show good cause to believe that the expert or consultant has not signed the Declaration of Compliance or that confidential documents and information produced in this case have been disseminated or used contrary to the terms of this Order.

8.

This Order shall remain in effect until dissolved or modified by order of this Court upon a showing of good cause or the written consent of all parties bound thereby.

IT IS SO ORDERED this 23<sup>rd</sup> day of July, 2012.

  
\_\_\_\_\_  
Judge

IT IS SO STIPULATED:

s/ Scott E. Asphaug, OSB #83367  
Attorneys for Plaintiff

s/ Phillip A. Lewis, OSB #78284  
Attorneys for Defendant

s/ George S. Pitcher, OSB #963982  
Attorneys for GreenPoint Mortgage Funding,  
Inc.

## **DECLARATION OF COMPLIANCE**

I, \_\_\_\_\_, declare as follows:

1. My address is \_\_\_\_\_.
2. My present employer is \_\_\_\_\_.
3. My present occupation or job description is \_\_\_\_\_.
4. I have received a copy of the Stipulated Protective Order entered in this action on \_\_\_\_\_, 20\_\_\_\_\_.  
\_\_\_\_\_.
5. I have carefully read and understand the provisions of this Stipulated Protective Order.
6. I will comply with all provisions of this Stipulated Protective Order.
7. I will hold in confidence, and will not disclose to anyone not qualified under the Stipulated Protective Order, any information, documents or other materials produced subject to this Stipulated Protective Order.
8. I will use such information, documents or other materials produced subject to this Stipulated Protective Order only for purposes of this present action.
9. Upon termination of this action, or upon request, I will return and deliver all information, documents or other materials produced subject to this Stipulated Protective Order, and all documents or things which I have prepared relating thereto, which documents are the subject of the Stipulated Protective Order, to my counsel in this action, or to counsel for the party by whom I am employed or retained or from whom I received the documents.

10. I hereby submit to the jurisdiction of this Court for the purposes of enforcing the  
Stipulated Protective Order in this action.

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